

Notice of Allowability

Application No.

10/521,081

Examiner

Sang Nguyen

Applicant(s)

VAN DEN BRINK ET AL.

Art Unit

2886

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment 12/27/07.
2. ☒ The allowed claim(s) is/are 24, 26, and 28-47 which have been renumbered as indicate 1-22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 12/27/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Sang H. Nguyen
Sang H. Nguyen
Primary Patent Examiner
Art Unit 2886

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John S. Sopko (Reg. No. 41,321) on January 2, 2008.

The application has been amended as follows:

Claim 24. (Twice amended): A system for the preparation and handling of multiple solid state samples for spectroscopic and microscopic analysis, said system comprising:

a sample holder assembly for multiple solid-state samples, said sample holder assembly comprising:

a sample holding body having first and second sides, provided with multiple sample receiving open-ended bores extending through said body between said first and second sides, each bore having a first opening at the first side and a second opening at the second side,

a closure body adapted to be mounted against the second side of the sample holding body, said closure body having a closure side adapted to rest against the second side of the sample holding body for closing off the second openings of the bores in said sample holding body,

compacting means for compacting samples filled in bores of the sample holding

body as these bores are closed off on the second side by the closure body, and
plugs, each of the plugs adapted to be introduced into one of the bores via the
first opening,

wherein the plugs are support plugs associated with said sample holding
assembly, each support plug being adapted to be secured with respect to said bore for
supporting a sample in said bore during at least one of the spectroscopic ~~or~~ and
microscopic analysis such that all exposed surfaces of the samples lie in a single plane.

Claim 40. (Twice amended) A method for preparing multiple samples for
spectroscopic and microscopic analysis, comprising:

providing of a system for the preparation and handling of multiple solid state
samples for spectroscopic and microscopic analysis, said system comprising a sample
holder assembly for multiple solid-state samples, said sample holder assembly
comprising:

a sample holding body having first and second sides, provided with multiple
sample receiving open-ended bores extending through said body between said first and
second sides, each bore having a first opening at the first side and a second opening at
the second side,

a closure body adapted to be mounted against the second side of the sample
holding body, said closure body having a closure side adapted to rest against the
second side of the sample holding body for closing off the second openings of the bores
in said sample holding body,

compacting means for compacting samples filled in bores of the sample holding body as these bores are closed off on the second side by the closure body, ~~and~~ plugs, each of the plugs adapted to be introduced into one of the bores via the first opening,

filing each sample into one of the a bores via the first opening thereof, said bores being closed at the second side by the closure body, and

compacting the samples using said compacting means, wherein the samples are supported by said support plugs such that during at least one of the spectroscopic-~~or~~ and microscopic analysis all exposed surfaces of the samples lie in a single plane.

Claim 46. (Currently Amended): A system for the preparation and handling of multiple solid state samples for spectroscopic and microscopic analysis, said system comprising:

a sample holder assembly for multiple solid-state samples, said sample holder assembly comprising:

a sample holding body having first and second sides, provided with multiple sample receiving open-ended bores extending through said body between said first and second sides, each bore having a first opening at the first side and a second opening at the second side,

a closure body adapted to be mounted against the second side of the sample holding body, said closure body having a closure side adapted to rest against the second side of the sample holding body for closing off the second openings of the bores in said sample holding body, and

compacting means for compacting samples filled in bores of the sample holding body as these bores are closed off on the second side by the closure body, and

plugs, each of the adapted to be introduced into one of the bores via the first openings, wherein the plugs are support plugs associated with said sample holding assembly, each support plug being adapted to be secured with respect to said bore for supporting a sample in said bore during at least one of the spectroscopic or and the microscopic analysis such that all exposed surfaces of the samples lie in a single plane, and wherein the compacting means comprise a support removably fixed over the first side of the sample holding body, said support having screwthreaded holes fixed over the first side of the sample holding body and aligned with the bores and provided with screws for pushing the plugs into the bores, and wherein the second side of the sample holder has a planar surface and wherein the corresponding face of the closure body also has a planar surface, which planar surface is polished, is a mirror-quality surface, and is one of the following materials: glass, ceramic, aluminiumoxide, silicon, siliconcarbide, titaniumnitride.

The following is an examiner's statement of reasons for allowance:

Claims 24, 26, and 28-47 are allowed the prior arts of the record.

Applicant's response to amendment and IDS on 12/27/07 has been entered.

Also, the information disclosure statement (IDS) is being considered by the examiner. It is noted that the application contains claims 24, 26, and 28-47 and claims 1-23 have been canceled by the Pre-Amendment on 01/13/05 and claims 25, and 27 have been canceled by the amendment on 12/27/07.

As to independent claims 24 and 40 are allowable over the prior art for at least the reason that the prior art of record, taken alone or in combination, fails discloses or render obvious a method and system for the preparation and handling of multiple solid state samples comprising all the specific elements with the specific combination including of compacting means for compacting samples filled in bores of the sample holding body as these bores are closed off on the second side by the closure body, and plugs, each of the plugs adapted to be introduced into one of the bores via the first opening, wherein the plugs are support plugs associated with said sample holding assembly, each support plug being adapted to be secured with respect to said bore for supporting a sample in said bore during at least one of the spectroscopic and microscopic analysis such that all exposed surfaces of the samples lie in a single plane in combination with the rest of the limitation of claims 24 and 40.

As to independent claim 46 is allowed over the prior art of the record for the reasons set forth in the previous Office action on 07/31/07 with pages 8-9.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Nguyen whose telephone number is (571) 272-2425. The examiner can normally be reached on 9:30 am to 7:00 pm.

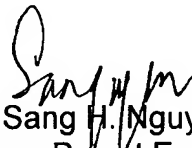
Application/Control Number:
10/521,081
Art Unit: 2886

Page 7

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifu Chowdhury can be reached on (571) 272-2800 ext. 86. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 2, 2008


Sang H. Nguyen
Primary Patent Examiner
Art Unit 2886